IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:04-CR-00380-F-1
No. 5:16-CV-000349-F

ROBERT THOMAS MOON,

Petitioner,

v.

ORDER

UNITED STATES OF AMERICA,

Respondent.

This matter is before the court on Robert Thomas Moon's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-36]. Having examined Moon's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion within **forty (40)** days of the filing of this order.

Moon asserts challenges based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), and he previously qualified for appointed counsel. Counsel will not be appointed pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015) because Sherri R. Alspaugh with the Office of the Federal Public Defender was previously appointed and has withdrawn.

SO ORDERED.

JAMES C. FOX

SEMOR UNITED STATES DISTRICT JUDGE